

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl Gustav FIGDOR et al.

Serial No.: 10/625,202

Examiner: Not yet assigned

Filed: 23 July 2003

Group Art Unit: 1645

FOR: COMPOSITION AND METHOD FOR
MODULATING DENDRITIC CELL-
T CELL INTERACTION

PETITION UNDER 37 C.F.R. § 1.182

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Refund Ref:
10/07/2004

SI: 030018054

Credit Card Refund Total: ~~9139.00~~ In response to the Notice to File Corrected Application Papers mailed 28 June 2004, submitted herewith is a copy of Figure 8 of the above-identified patent application together with a Supplemental Preliminary Amendment and Response to Notice to File Corrected Application Papers. This Petition is accompanied by the fee required under 37 C.F.R. § 1.17(h).

Adjustment date: 10/07/2004 AKELLEY
08/26/2004 BSAYASI1 00000053 10625202
01 FC:1460

This Petition requests that the Figure 8 submitted herewith be accepted as a part of the above-identified patent application and that the patent application be accorded a filing date of 23 July 2003 with priority to parent applications as claimed in the application as filed. According to the PTO records, no Figure 8 was submitted at the time the Application was filed. Applicants urge that Figure 8 was filed with the application papers submitted 23 July 2003 and have enclosed a copy of the postcard submitted with those papers and returned by the U.S. PTO with a barcode sticker indicating the serial number for the application, the postcard (as well as the Application Transmittal Letter submitted 23 July 2003) indicating that 14 pages of drawings were submitted.

08/26/2004 BSAYASI1 00000053 10625202

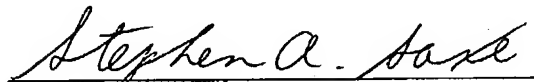
01 FC:1460

130.00 OP

Additionally, Applicants urge that Figure 8 was a part of the application as filed on 23 July 2003 because this application was filed as a divisional application together with a Preliminary Amendment which inserted language on page 1, at line 2, which included the continuing data claiming priority to the various parent applications and including the sentence, "All of the foregoing applications are hereby incorporated herein by reference in their entirety." The "foregoing applications" include, e.g., U.S. Application No. 09/719,961 and International Application No. PCT/NL00/00253, both of which include the Figure 8 which the PTO states was lacking from the filed papers of the present application. Because of the incorporation by reference, it is urged that the present application as filed did in fact include Figure 8 regardless of whether the page showing Figure 8 was missing from the papers as filed. Applicants certify that the Figure 8 submitted herewith is identical to the Figure 8 of parent applications U.S. 09/719,961 and PCT/NL00/00253 which should both be of record at the PTO and which were both incorporated by reference in their entirety into the present Application. Applicants hereby petition that Figure 8 be made a part of the present application (10/625,202) and that the present application retain its filing date of 23 July 2003.

It is further requested that the petition fee be refunded because it is urged that Figure 8 was in fact a part of the present Application as filed.

Respectfully submitted,



Stephen A. Saxe
Registration No. 38,609
Alexion Pharmaceuticals, Inc.
352 Knotter Drive
Cheshire, CT 06410
Tel. 203-271-8289



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**130.00**

Complete if Known

Application Number	10/625,202
Filing Date	July 23, 2003
First Named Inventor	Carl Gustav FIGDOR
Examiner Name	Not yet assigned
Art Unit	1645
Attorney Docket No.	89 DIV

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: **01-0483**
Deposit Account Name: **Alexion Pharmaceuticals**

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804*	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130.00**

SUBMITTED BY

Name (Print/Type)	Stephen A. Saxe	Registration No. (Attorney/Agent)	38,609	Telephone	203-271-8289
Signature	<i>Stephen A. Saxe</i>	Date	August 25, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.